

## **REMARKS**

### **I. General**

Claims 1, 3, 5, 7-15, and 17-26 are pending in the application, and all are rejected by the Office Action mailed June, 27, 2006. Claims 1 and 22 are amended, claims 2 and 6 are canceled without prejudice, and claims 24-26 are added by this response. The issues in the Office Action are as follows:

- Claim 6 is objected to.
- Claims 1-8, 15, 18, 22, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by US 5,966,234 (hereinafter, *Ford*).
- Claims 9-11 and 13 are rejected under 35 U.S.C. § 103(a) as being obvious over *Ford*.
- Claims 12, 14, 17, and 19-21 are rejected under 35 U.S.C. § 103(a) as being obvious over *Ford* in view of US 5,402,259 (hereinafter, *Lembo*).

Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the remarks and amendments contained herein.

### **II. Claim Amendments**

Claim 1 is amended to include the limitations of dependent claim 2 and also to recite, in part, “an optical circulator in communication with said single optical guide, said circulator adapted to receive said input light beam along a first path, to pass said input light beam to said EAM, and to pass said output light beam along a second path different from said first path.” Support may be found at least at FIGURE 1 and paragraph [0017] of the specification; thus, no new matter is added.

Claim 22 is amended to recite, in part, “said optical input guide and said optical output guide are a single optical guide,” and “an optical circulator in communication with said single optical guide, said circulator adapted to receive said input light beam along a first path, to pass said input light beam to said modulator, to receive said output light beam, and to

pass said output light beam along a second path different from said first path.” Support may be found at least at FIGURE 1 and paragraph [0017] of the specification; thus, no new matter is added.

### **III. New Claims**

Claim 24 is added by this response. Support may be found at least at FIGURE 7B and paragraph [0032]. Thus, no new matter is added. Claim 22 is allowable not only because it depends from patentable claim 22, but also because the art of record does not teach a differential configuration. For example, FIGURE 5 of *Ford* does not teach a differential configuration.

Claim 25 is added by this response. Support may be found at least at FIGURE 2 and paragraph [0018]. Thus, no new matter is added. Claim 25 is allowable not only because it depends from patentable claim 22, but also because the art of record does not teach stimulating a remote electrical device.

Claim 26 is added by this response. Support may be found at least at FIGURE 3 and paragraph [0019]. Thus, no new matter is added. Claim 26 is allowable not only because it depends from patentable claim 22, but also because the art of record does not teach concurrently delivering a copy of an electrical signal to an electronic measurement instrument.

### **IV. Note on Official Notice**

In rejecting claim 13, the examiner states that it would be obvious to modify the teachings of *Ford* to include stimulating a remote electrical device. It is believed that such statement is Official Notice by the Office that the features of claim 13 are known. The art of record does not appear to mention or teach stimulating a remote electrical device at all. In fact, the silence of *Ford* and *Lembo* with regard to stimulating a remote electrical device appears to show that such feature was not well known by those of ordinary skill in the art at the time the present application was filed. Therefore, it is believed that that feature is not capable of instant and unquestionable demonstration as being well-known, as required of Official Notice by M.P.E.P. §2144.03(A), citing *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

Alternatively, such an assertion without documentary evidence may be appropriate if the Office Action provides “specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge.” M.P.E.P. §2144.03(B), citing, *In re Soli*, 317 F.2d at 946, 37 USPQ at 801, and *In re Chevenard*, 139 F.2d at 713, 60 USPQ at 241. However, because the above-quoted statement is merely an assertion, rather than reasoning, the Official Notice must fail. While Applicant has traversed the contents of the Official Notice, Applicant further respectfully requests that the Examiner provide an affidavit or publication supporting such Notice under M.P.E.P. § 2144.03(C) if the Examiner believes such features are well-known.

## **V. Claim Objections**

Claim 6 is objected to as being a substantial duplicate of claim 3. Claim 6 is canceled without prejudice, thereby obviating the objection. Accordingly, withdrawal of the objection to claim 6 is respectfully requested.

## **VI. Claim Rejections**

### **A. Rejections under 35 U.S.C. §102**

Claims 1-8, 15, 18, 22, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Ford*. Applicant has amended claims 1 and 22 and has canceled claims 2 and 6.

#### **1. Claims 1, 3, 5, 7, and 8**

Amended independent claim 1 recites, in part, “an optical circulator in communication with said single optical guide, said circulator adapted to receive said input light beam along a first path, to pass said input light beam to said EAM, and to pass said output light beam along a second path different from said first path.” *Ford* does not teach at least this feature of claim 1 because the cited portions do not teach an optical circulator, especially not an optical circulator in communication with a single optical guide. Thus, it is believed that claim 1 is patentable over *Ford*.

Dependent claims 3, 5, 7, and 8 each depend either directly or indirectly from independent claim 1, respectively, and, thus, inherit all of the limitations of claim 1. Thus,

*Ford* does not teach all claim limitations of claims 3, 5, 7, and 8. It is respectfully submitted that dependent claims 3, 5, 7, and 8 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 3, 5, 7, and 8 is respectfully requested.

2. Claims 15 and 18

Claim 15 recites, in part, “concurrently modulating said electrical signal by interacting with said input light beam using electroabsorption modulation.” *Ford* does not appear to teach this feature, as the cited portions do not teach modulating an electrical signal, much less modulating an electrical signal concurrently with reflecting a modulated light beam. The Office Action points to the passage at Col. 4, lines 5-8; however, the cited portion merely teaches a reflecting electroabsorption optical modulator. No mention is made of modulating an electrical signal, concurrently or otherwise. It should also be noted that the term, “retro,” in the cited portion of *Ford* does not appear to imply such concurrent modulating of an electrical signal. Thus, *Ford* does not teach each and every feature of claim 15.

Dependent claim 18 depends from independent claim 15 and, thus, inherits all of the limitations of independent claim 18. Thus, *Ford* does not teach all claim limitations of claim 18. It is respectfully submitted that dependent claim 18 is allowable at least because of its dependence from claim 15 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102 rejection of claims 15 and 18.

3. Claims 22 and 23

Amended independent claim 22 recites, in part, “an optical circulator in communication with said single optical guide, said circulator adapted to receive said input light beam along a first path, to pass said input light beam to said modulator, to receive said output light beam, and to pass said output light beam along a second path different from said first path.” *Ford* does not teach at least this feature of claim 22 because the cited portions do not teach an optical circulator, especially not an optical circulator in communication with a single optical guide. Thus, it is believed that claim 22 is patentable over *Ford*.

Dependent claim 23 depends from independent claim 22 and, thus, inherits all of the limitations of independent claim 22. Thus, *Ford* does not teach all claim limitations of claim 23. It is respectfully submitted that dependent claim 23 is allowable at least because of its dependence from claim 22 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102 rejection of claims 22 and 23.

**B. Rejections under 35 U.S.C. §103**

**1. Rejections over *Ford***

Claims 9-11 and 13 are rejected under 35 U.S.C. § 103(a) as being obvious over *Ford*. Applicant traverses the rejection.

Dependent claims 9-11 and 13 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, *Ford* does not teach or suggest all claim limitations of claims 9-11 and 13. It is respectfully submitted that dependent claims 9-11 and 13 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103 rejection of claims 9-11 and 13.

**2. Rejections over *Ford* in view of *Lembo***

Claims 12, 14, 17, and 19-21 are rejected under 35 U.S.C. § 103(a) as being obvious over *Ford* in view of US 5,402,259 (hereinafter, *Lembo*). Applicant traverses the rejection.

Dependent claims 12, 14, 17, and 19-21 each depend either directly or indirectly from respective independent claims 1 and 15 and, thus, inherit all of the limitations of their respective independent claims. Thus, *Ford* does not teach or suggest all claim limitations of claims 12, 14, 17, and 19-21. It is respectfully submitted that dependent claims 12, 14, 17, and 19-21 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 103 rejection of claims 12, 14, 17, and 19-21.

**VII. Conclusion**


In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes a fee of \$50.00 is due with this response. However, if additional fees are due, please charge Deposit Account No. 50-1078, under Order No. 10040010-1 from which the undersigned is authorized to draw.

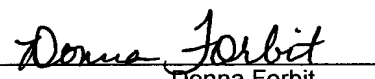
Dated: September 14, 2006

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568240453US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

By   
Michael A. Papalas  
Registration No.: 40,381  
Attorney/Agent for Applicant  
(214) 855-8186

Dated: September 14, 2006

Signature:   
Donna Forbit